

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS, DIVISION**

UNITED STATES OF AMERICA	§	
	§	
VS.	§	3:08-CR-167-B
	§	
TONY HEWITT	§	

MOTION TO SUPPRESS ILLEGALLY SEIZED EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant in the above-styled and numbered cause, and files this motion to suppress certain evidence that was obtained illegally and for cause would show the court the following:

I.

The Defendant moves the Court to suppress the following evidence:

- A.** All tangible evidence seized from the Defendant, including but not limited to any cell phone belonging to defendant as well as numbers seized therefrom.
- B.** All statements made, whether oral or written, and such other actions of the Defendant, if any, at the time of and subsequent to the arrest and search of the Defendant.
- C.** Testimony of law enforcement officers, or their agents and all other persons working in connection with such officers and agents, and all persons present at or near the location of the arrest and search of the Defendant in regard to any of the statements or evidence acquired or objects seized as set forth in paragraphs A and B above.
- D.** Defendant seeks to suppress and interception of any telephone or electronic communication involving the defendant which includes but is not limited to a conversation on March 12, 2006.

II.

As grounds for this Motion the Defendant would show the Court the following:

A. The search of the Defendant and the Defendant's property was without probable cause, in violation of the Fourth, Fifth, Ninth and Fourteenth Amendments of the Constitution of the United States..

B. All statements made by the Defendant and items seized at the time of and subsequent to the arrest and search of the Defendant and the Defendant's property were products of the illegal search of the Defendant and his conversations. *Mapp v. Ohio*, 367 U.S. 643 (1961); *Wong Son v. United States*, 371 U.S. 471 (1963); 5th and 14th Amendments to the United States Constitution.

C. Any statement made by the Defendant was not made freely nor voluntarily but was given as a result of compulsion and/or persuasion. 5th and 14th Amendments to the United States Constitution; *Jackson v. Denno*, 378 U.S. 368 (1964); *Mincey v. Arizona*, 437 U.S. 385 (1978); *Miranda v. Arizona*, 384 U.S. 436 (1966).

D. And for such other and further reasons as may appear or be urged upon hearing in this cause.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that upon hearing, that his Motion be in all things granted.

Respectfully Submitted,

/s/

George E. West II
State Bar No. 21197800

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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was transmitted to AUSA Tromblay.

/s/
George E. West II

Certificate of Conference

I was able to have a conference with AUSA Tromblay and he objects to this motion.

/s/
George E. West II